

# Exhibit B

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF NEW YORK

3 - - - - - X  
 4 MOOG INC., ) 22-CV-187  
 Plaintiff )  
 5 vs.

6 SKYRYSE, INC., et al ) Buffalo, New York  
 Defendant. ) August 4, 2022  
 7 - - - - - X

**DISCOVERY HEARING**

**Proceeding held via Zoom for Government Platform**

**All parties appeared remotely.**

**Transcribed from audio of Zoom for Government Platform**

10 TRANSCRIPT OF PROCEEDINGS  
 11 BEFORE THE HONORABLE JEREMIAH J. MCCARTHY  
 UNITED STATES MAGISTRATE JUDGE

12 FOR PLAINTIFF: SHEPPHARD MULLIN RICHETER & HAMPTON, LLP  
 13 BY: RENA ANDOH, ESQ.  
 LAI YIP, ESQ.  
 14 KAZIM A. NAQVI, ESQ.  
 TRAVIS ANDERSON, ESQ.

15 -and-

HODGSON RUSS, LLP  
 16 BY: ROBERT J. FLUSKEY, JR, ESQ.  
 PAULINE MUTO, ESQ.

17 FOR DEFENDANT: LATHAM & WATKINS, LLP  
 18 BY: DOUGLAS E. LUMISH, ESQ.  
 GABRIEL S. GROSS, ESQ.  
 19 KELLEY STOREY, ESQ.  
 CASSANDRA M. BALOGA, ESQ.  
 20 JULIANNE CATHERINE OSBORNE, ESQ.  
 RYAN T. BANKS, ESQ.  
 21 JOSEPH LEE, ESQ.  
 ARMAN ZAHOORY, ESQ.

22 FOR DEFENDANT

23 PILKINGTON/KIM: WINGET, SPADAFORA & SCHWARTZBERG, LLP  
 BY: ALEXANDER ASHER TRUITT, ESQ.  
 24 ANTHONY D. GREEN, ESQ.  
 ANNABEL MIRALES, ESQ.

25 **COURT REPORTER: Karen J. Clark, Official Court Reporter**  
**Karenclark1013@AOL.com**

1 MOOG, INC. VS. SYRYSE, INC, ET AL

2 well, let me ask a preliminary question first. Skyryse  
3 is in California, correct?

4 MR. GROSS: Yes, your Honor, (inaudible)  
5 California, Central District.

6 MAGISTRATE JUDGE MCCARTHY: The individual  
7 Defendants are in California, correct?

8 MR. GREEN: That is correct, your Honor.

9 MAGISTRATE JUDGE MCCARTHY: When they were  
10 working for Moog, were they in California?

11 MR. GREEN: Yes, they were.

12 MAGISTRATE JUDGE MCCARTHY: So, we now have  
13 a criminal investigation in California that may or may  
14 not result in criminal charges, and we have a civil case  
15 in New York, as to which motions are pending before  
16 Judge Vilardo for either dismissal for lack of  
17 jurisdiction or for transfer of venue. In light of the  
18 criminal developments, does anybody intend to supplement  
19 those motions and bring this information to Judge  
20 Vilardo's attention? Because, frankly, and I have not  
21 studied those issues, but if we stay in New York on the  
22 civil case and we've got a criminal investigation in  
23 California, that may or may not result in criminal  
24 charges. If it does, I presume those charges are going  
25 to be brought in California. I'm just wondering in

1 MOOG, INC. VS. SYRYSE, INC, ET AL  
2 terms of judicial efficiency, what is the best way to  
3 proceed. Those motions are not before me, but it seems  
4 to me somebody may want to bring these developments to  
5 Judge Vilardo's attention. If anybody wants to react to  
6 that, you're welcome to, or, if you chose not to, that  
7 is your prerogative as well.

8 MR. GROSS: Your Honor, this is Mr. Gross  
9 for Skyryse. And I appreciate you bringing up the  
10 issue. It's a little sensitive. We understand the  
11 confidentiality concerns around any government  
12 investigation, which Skyryse, of course, respects. It  
13 is our understanding that an investigation by the  
14 Government in the Central District of California, if it  
15 were to lead to charges, would be to charges there. And  
16 we think it's important the Court, and you obviously  
17 understand, that there are these other proceedings  
18 pending in that jurisdiction. So, we would like a  
19 little time to think about if and when and whether to  
20 formally raise the issue with Judge Vilardo. I know  
21 that the two proceedings, while they have some factual  
22 overlap, are not technically related, but we appreciate  
23 the time to think about it.

24 MAGISTRATE JUDGE MCCARTHY: How can they not  
25 be related?